

oca 88-0509



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

February 22, 1988

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

National Security Council
Central Intelligence Agency
~~Department of State~~ (Howdershell 647-4463)

25

SUBJECT: Defense draft report on H.R. 3760, "To ensure the provision of effective military and economic assistance to anti-Communist freedom fighter movements, to prohibit certain direct and indirect assistance to Communist countries."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than MONDAY, FEBRUARY 29, 1988.

Questions should be referred to Annette Rooney/Sue Thau (395-7300), the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: J. Eisenhour
B. Howard
R. Neely

R. Silberman
B. Sasser

SPECIAL

Honorable Les Aspin
Chairman, Armed Service Committee
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request of January 11, 1988, for the views of the Secretary of Defense on H.R. 3760, 100th Congress, a bill "To ensure the provision of effective military and economic assistance to anti-Communist freedom fighter movements, to prohibit certain direct and indirect assistance to Communist countries, and for other purposes."

This legislation would provide statutory authority to the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, to provide assistance to indigenous movements (i.e. freedom fighters) who are opposing, or who are in direct conflict with Communist Governments, and to prohibit U.S. assistance to Communist Governments who may be opposing those movements.

While the Department supports the intent of the legislation, we believe it assigns responsibilities which are too broad and which are beyond the scope of the DoD charter. For example, Section 201 specifies that "the Secretary of Defense is authorized to provide military, humanitarian, economic, political and other types of assistance.....including developing political programs....." The Department does not have the resources to assume such a broad range of responsibilities, nor do we think that such responsibilities should be specifically assigned to the department.

Additionally, the authority to conduct these programs should not be statutorily delegated to individual government components such as the Departments of Defense and State. Authority to provide U.S. support to freedom fighter movements should be given to the President, with various government departments and agencies, as necessary, assigned by the President to implement those program in support of United States foreign policy objectives.

As a means of improving upon what has been proposed without detracting from its overall objective, I enclose some suggested changes which the committee may want to consider before proceeding further with the legislation.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

~~The Committee has requested that this report be expedited.~~

Sincerely,

Attachment

DEPARTMENT OF DEFENSE SUGGESTED CHANGES TO H.R. 3760

- SEC. 101. FINDINGS AND PURPOSE., Paragraph (a) (1) - Change to read as follows:

"(1) the goals of respect for human rights, long-term political stability, and long-term economic progress are best served by the promotion of free ideals and the establishment of free institutions and democratic governments;"

RATIONALE: Clarity.

- SEC 101. FINDINGS AND PURPOSE., Paragraph (a) (5), Page 3., Line 1 - Replace "such" with "Communist".

RATIONALE: Clarity.

- SEC. 101. FINDINGS AND PURPOSE., Paragraph (a) (7), Line 10 - Insert "and economic" between "military" and "aid".

RATIONALE: Clarity.

- SEC. 201. FUNCTIONS OF THE SECRETARY OF DEFENSE., and SEC. 202. FUNCTIONS OF THE SECRETARY OF STATE. - Replace with the following:

"SEC. 201. POLICY OF THE UNITED STATES.

"(a) As a matter of policy, the United States shall:

(1) provide military, humanitarian, economic, political and other types of assistance to freedom fighter movements, including the delivery of arms and financial support, training of movement personnel, devising military tactics, and developing political programs that will promote self-determination, respect for human rights, political stability, and economic progress.

(2) promote, in cooperation with representatives of freedom fighter movements, the institution of democratic electoral processes.

(3) promote democratic training programs and democratic institution building.

(4) promote the individual rights and freedom which are essential the functioning of democratic institutions.

(b) As directed by the President, in consultation with the Congress, the full resources of the government shall be made available to support these policies, including coordination with United States allies to obtain their cooperation both to assist freedom fighter movements and to curb detrimental direct or indirect assistance to Communist regimes."

RATIONALE: Support for freedom fighter movements should be formally established as a policy objective of the United States Government. The responsibilities for supporting those movements should not be statutorily assigned to any particular branch or branches of the Executive Department. The suggested

change also recognizes the consultative role that Congress should play in reviewing and approving these programs.

- SEC. 203. BAN ON ASSISTANCE TO MOVEMENTS DEMONSTRATING A CONSISTENT PATTERN OF PROVEN GROSS VIOLATIONS OF HUMAN RIGHTS., Paragraph (a), line 19 - End the last sentence with "innocent civilians." by deleting the phrase "unless such assistance will directly benefit the needy people in the country in question." and insert the following new sentence:

"This prohibition will not preclude, for humanitarian reasons, the provision of food or other emergency assistance in the event of famine or natural disaster which have the potential for massive loss of human lives in the country in question."

RATIONALE: Under no circumstances, should legislation of the United States Government advocate or reflect support for any freedom fighter movement which exhibits a pattern of disregard for basic human rights. There should be a provision in the legislation, however, for U.S. humanitarian assistance in emergency situations where there is a massive loss, or the potential for the massive loss of human lives.

- SEC. 205. REPORTING REQUIREMENTS., Paragraph (a) - Change to read as follows:

"(a) Not later than January 31 of each year, the President shall transmit to the Congress a report on the degree to which freedom fighter movements receiving assistance under this Act respect and observe internationally recognized human rights standards."

RATIONALE: The responsibility for this reporting requirement rightfully belongs to the President. The source of that report can be left to the discretion of the President, but he should assume final responsibility for approving and submitting the report to the Congress.

- SEC. 205. REPORTING REQUIREMENTS., Paragraph (b) - Change to read as follows:

"(b) Not later than January 31 of each year, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources or methods, or other exceptionally sensitive matters, the President shall transmit to the Congress a report on the numbers of Soviet and Soviet-bloc personnel stationed in foreign countries, and an accounting of the type and amount of military, economic and other assistance provided to those countries by the Soviet Union and Soviet-bloc governments."

RATIONALE: Same as above. Additionally, the suggested change incorporates a necessary provision for the protection of sensitive information and intelligence sources or methods.